

labeled in part: "Dr. Smith's Calorie Vita Oil \* \* \* Vita Oil Co. Berkeley, Cal."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of nonvolatile vegetable oil, mineral oil, volatile oils including turpentine, clove, and cinnamon oils, and extractives from capsicum and pepper.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding the curative and therapeutic effects of the article, appearing on the labels of the bottles containing a portion of the said article and on the accompanying wrapper, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for croup, bronchitis, diphtheria, pneumonia, pleurisy, quinsy, colds, coughs, sore throat, rheumatism, neuralgia, and all gout pains, all forms of congestion, aches and pains, swollen, stiff, lame or weak joints, colic and all diseases caused by congestion, and that certain statements appearing on the cartons and cans containing the remainder of the said article falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for deep-seated lameness, stiffness, rheumatism, croup, bronchitis, diphtheria, pneumonia, pleurisy, quinsy, colds, coughs, sore throat, gouty pains, all forms of congestion, swollen, stiff, lame and weak joints, colic, contracted cords and muscles, and all diseases caused by congestion, and that certain statements appearing in the circulars accompanying all of the said article falsely and fraudulently represented it to be a treatment, remedy, and cure for all throat troubles, lumbago, earache, painful menstruation, ovarian pains, convulsive cramps, caked breasts, diarrhea, enlarged, calloused, swollen and weak joints, founder, internal pains, inflammation of the kidneys, lockjaw, lung fever, and pneumonia, mange or itch, ring bone, splints and thrush, wind colic or grippings, nail punctures in the foot, spinal meningitis and sore throat, whereas, in truth and in fact, it was not.

On September 23, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10941. Misbranding of Allan's Star Brand pills. U. S. v. 4 Packages of Allan's Star Brand Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13880. S. No. C-2584.)**

On December 9, 1920, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 packages of Allan's Star Brand pills, remaining in the original unbroken packages at Greenville, Miss., alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., May 2, 1919, and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) "A Good Remedy In Suppressed Or Painful Menstruation. \* \* \* to bring on the menses \* \* \* immediately preceding the expected appearance of the menstrual flow \* \* \* treatment should begin \* \* \* Take one Pill \* \* \* Continue this treatment \* \* \* until a satisfactory result is secured. \* \* \* To Prevent Irregularities Take one Pill \* \* \* four or five days preceding the expected appearance of the menstrual period. \* \* \* For Painful Menstruation The same treatment prescribed for suppression."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of iron sulphate, aloes, and starch, coated with sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect of the said article, appearing in the circular enclosed in the packages containing the same, were false and fraudulent in that the said article had not the curative or therapeutic effect so claimed in the said statements and contained no ingredient or combination of ingredients capable of producing such effect.

On November 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*